

MB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARTER OAK INSURANCE CO.

v.

MAGLIO FRESH FOOD d/b/a MAGLIO'S
SAUSAGE CO. et al.

CIVIL ACTION

NO. 12-3967

ORDER

AND NOW, this 24th day of October, 2013, for the reasons set forth in the foregoing Memorandum, it is hereby **ORDERED**:

FILED

OCT 24 2013

MICHAEL E. KUNZ, Clerk
By: [Signature] Dep. Clerk

1. The Motions for Summary Judgment of non-coverage (ECF 40 & 42) are **GRANTED**, and the Court will enter a declaratory judgment that Charter Oak and American Guarantee have no obligation to cover the claims by Maglio for coverage.
2. The Motion for Summary Judgment filed by Maglio (ECF 41) is **DENIED** insofar as it seeks coverage under the policies.
3. Counsel for Charter Oak and American Guarantee shall submit a form of Judgment after giving counsel for Maglio an opportunity to comment.
4. Concerning Maglio's counterclaim for bad faith, Maglio's counsel shall discuss further proceedings with opposing counsel and the parties shall submit either a joint scheduling order or separate orders, within fourteen (14) days, following which the Court may have a telephone conference if appropriate.

BY THE COURT:

[Signature]
MICHAEL M. BAYLSON, U.S.D.J.